



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,099	08/17/2001	Michael Chen	SUND 216	3648
23995	7590	12/29/2004	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			MENBERU, BENIYAM	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/931,099

**Applicant(s)**

CHEN, MICHAEL

**Examiner**

Beniyam Menberu

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 2, lines 17-18, the phrases "Also, referring to Fig. 1." is not a complete sentence.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5280368 to Fullerton.

Regarding claim 1, Fullerton discloses a duplex scanner capable of calibrating a two-sided document, comprising:

an automatic document feeder (column 4, lines 18-30);  
an upper carriage installed in the automatic document feeder (Fullerton discloses an upper scanning element (Figure 2, reference 32) located near the path of the sheet (Figure 2, reference 24) (column 4, lines 43-49).); and

Art Unit: 2626

an upper calibration paper installed under the upper carriage (Fullerton disclose a calibration target (Figure 2, reference 222) located under upper scanning element (Figure 2, reference 32) (column 7, lines 48-54), wherein relative motion between the upper carriage and the upper calibration paper is generated for calibrating a light beam information before image scanning (column 8, lines 1-16).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5280368 to Fullerton in view of U.S. Patent No. 6327047 to Motamed.

Regarding claim 2, Fullerton teaches all the limitations of claim 1. Further Fullerton discloses a duplex scanner further comprising:  
a case(column 4, lines 9-14; Figure 1, reference 12, 14);  
a transparent platen fixed on the case for being placed a to-be-scanned document (column 5, lines 62-67);

Art Unit: 2626

a lower carriage installed inside the case(Fullerton discloses a lower scanning element 34 (Figure 1, reference 34 and Figure 2, reference 34) within the frame 12 and 14 as shown in Figure 1.). However Fullerton does not disclose a lower calibration paper fixed to the transparent platen.

Motamed discloses a scanner calibration apparatus wherein the calibration paper is fixed to the transparent platen (column 2, lines 65-67; column 3, lines 1-3).

Fullerton and Motamed are combinable because they are in the similar problem area of scanner calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Motamed wherein calibration paper is fixed on the platen with the duplex scanner calibration apparatus taught by Fullerton to implement an accurate duplex scanning system.

The motivation to combine the reference is clear because Motamed teaches that calibration target can be lost if it is not integral to the scanning system (column 2, lines 46-50).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5280368 to Fullerton in view of U.S. Patent No. 6327047 to Motamed further in view of U.S. Patent No. 6694062 to Yang.

Regarding claim 3, Fullerton in view of Motamed teaches all the limitations of claim 2. Further Fullerton disclose a duplex scanner, wherein the lower carriage further has an extending board for fixing the upper calibration paper thereon, and the upper calibration paper is moved under the upper carriage by

Art Unit: 2626

moving the lower carriage (column 8, lines 1-15). However Fullerton in view of Motamed does not disclose a duplex scanner wherein the upper carriage is capable of scanning a plurality of scan lines on the upper calibration paper for calibrating the light beam information.

Yang discloses a scanner wherein during calibration plurality of scanning lines are obtained for processing (column 4, lines 43-46).

Fullerton, Motamed, and Yang are combinable because they are in the similar problem area of scanning calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of scanning plural lines as taught by Yang in the calibration system of Fullerton in view of Motamed to implement an accurate calibration system.

The motivation to combine the reference is clear because Yang teaches that dark lines are corrected by the method of scanning plurality of lines (column 2, lines 3-15).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5280368 to Fullerton in view of U.S. Patent No. 6327047 to Motamed further in view of U.S. Patent No. 4967233 to Buchar et al further in view of U.S. Patent No. 6694062 to Yang.

Regarding claim 4, Fullerton in view of Motamed teaches all the limitations of claim 2. Further Fullerton in view of Motamed disclose a duplex scanner, wherein the upper calibration paper is fixed onto the transparent platen (Motamed: column 2, lines 65-67; column 3, lines 1-3). However Fullerton in view

Art Unit: 2626

of Motamed does not disclose a duplex scanner wherein the upper carriage is driven to move for scanning a plurality of scan lines on the upper calibration paper for calibrating the light beam information.

Buchar et al disclose a duplex scanner wherein the upper scanning element can move for calibration purpose (column 8, lines 3-12).

Yang discloses a scanner wherein during calibration plurality of scanning lines are obtained for processing (column 4, lines 43-46).

Fullerton, Motamed, Buchar et al and Yang are combinable because they are in the similar problem area of scanning calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of calibration of upper scanning element and the method of scanning plural lines taught by Buchar et al and Yang respectively to implement an accurate duplex scanning system.

The motivation to combine the reference is clear because both upper and lower carriage need to be calibrated correctly using plurality of scanning lines in order to implement an accurate duplex scanning system wherein the plural scanning lines are used to eliminate dark lines as taught by Yang (column 2, lines 3-15).

#### ***Other Prior Art Cited***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2626

U.S. Patent No. 6069715 to Wang disclose an image scanner that can scan documents with double sides.

U.S. Patent No. 6344906 to Gatto et al disclose a controller for a scanner.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (703) 306-3441. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

### ***Patent Examiner***

Beniyam Menberu

BM

12/23/2004

WALLERSON  
EXAMINER  
  
MARK WALLERSON  
PRIMARY EXAMINER